

Legal Identification and Clarification Process for Environmental Aspects That Apply To DNSC's ESOHMS

1. The following federal statutes and regulations identify legal requirements to which DNSC subscribes related to its environmental aspects listed in Table 1:

- a. 10 CFR §§ 19, 20, 40, 71 (thorium nitrate);
- b. 29 CFR § 1910.1000 Table 2-2 (PEL for mercury);
- c. 29 CFR § 1910.1025, Appendix A (PEL for lead);
- c. 40 CFR §§ 260-264, 280 (waste management);
- d. 40 CFR § 280 (underground storage tanks).

2. The list included in paragraph 1 above is not all-inclusive. The potential impacts of the DNSC activities include many different types of environmental media, each of which has its own statutory and regulatory requirements. In addition, since DNSC activities occur in many different states, and many federal statutes include waivers of sovereign immunity which require federal agencies to comply with state requirements, DNSC is potentially responsible for compliance with state statutes and regulations related to these potential impacts.

3. Many resources are available to DNSC-G to research applicable federal, state, and local legal requirements that apply to a DNSC activity that could affect an environmental aspect identified in Table 1 or an activity in Table 2. These resources include DENIX, FLITE, Navy OGC newsletters, Army ELD newsletters, Westlaw electronic legal database, and Department of Defense Regional Environmental Coordinators located throughout the United States.

4. In order to comply with the requirements of section 4.3.2 of the Standard, the following procedure is to be followed:

- a. When DNSC-E, DNSC-O, or DNSC-C become aware of an activity or proposed activity that could affect an aspect listed in Table 1, or involves an activity in Table 2, the directorate responsible for the project will provide a written description of the project, the environmental aspect from Table 1 that has the potential to be impacted and the manner in which it could be impacted, or the activity from Table 2 that is affected.
- b. DNSC-G, using the resources described above, will research the applicable legal requirements and provide a list of applicable requirements and the manner in which they apply to the directorate responsible for the project.

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